

REMARKS

Claims 6-10 are currently pending. Reconsideration is respectfully requested based on the following explanations.

Claims 6, 7, 9 and 10 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Zumpano (U.S. Patent No. 6,513,829) in view of Dirmeyer (U.S. Patent No. 5,748,075). Claim 8 (which depends on claim 6) stands rejected under 35 U.S.C. § 103(a) as being unpatentable over Zumpano (U.S. Patent No. 6,513,829) in view of Dirmeyer (U.S. Patent No. 5,748,075) and further in view of Bohner (U.S. Patent 6,269,903). Applicants respectfully submit that the rejections should be withdrawn for at least the following reasons.

In rejecting a claim under 35 U.S.C. § 103(a), the Examiner bears the initial burden of presenting a *prima facie* case of obviousness. In re Rijckaert, 9 F.3d 1531, 1532, 28 U.S.P.Q.2d 1955, 1956 (Fed. Cir. 1993). To establish a *prima facie* case of obviousness, the Examiner must show, *inter alia*, that there is some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify or combine the references, and that, when so modified or combined, the prior art teaches or suggests all of the claim limitations. M.P.E.P. §2143. In addition, as clearly indicated by the Supreme Court, it is “important to identify a reason that would have prompted a person of ordinary skill in the relevant field to combine the [prior art] elements” in the manner claimed. See KSR Int’l Co. v. Teleflex, Inc., 82 U.S.P.Q.2d 1385 (2007). In this regard, the Supreme Court further noted that “rejections on obviousness cannot be sustained by mere conclusory statements; instead, there must be some articulated reasoning with some rational underpinning to support the legal conclusion of obviousness.” Id., at 1396. To the extent that the Examiner may be relying on the doctrine of inherent disclosure in support of the obviousness rejection, the Examiner must provide a “basis in fact and/or technical reasoning to reasonably support the determination that the allegedly inherent characteristics necessarily flow from the teachings of the applied art.” (See M.P.E.P. § 2112; emphasis in original; see also Ex parte Levy, 17 U.S.P.Q.2d 1461, 1464 (Bd. Pat. App. & Inter. 1990)).

In support of the rejection of independent claim 6, the Examiner contends in the “Response to Arguments” section of the Office Action that col. 13, l. 63-5 of Zumpano “teaches that the

pressure information is transmitted from the processor to the inflatable member, which is another vehicle system,” and therefore “Zumpano does teach that the pressure value generated by the sensor 14 is transmitted by the processor to another vehicle.” However, the actual disclosure of Zumpano clearly contradicts the Examiner’s assertion that **“the pressure value generated by the sensor 14 is transmitted by the processor to another vehicle.”**

Claim 6 recites, in relevant parts, that “the at least two pressure sensors are connectable to the processor to communicate at least one pressure value each to the processor, . . . [and] the processor is connectable to at least one vehicle system besides said two pressure sensors to transmit the at least one pressure value to the at least one vehicle system,” which means the same “at least one pressure value” communicated from the pressure sensor is also transmitted from the processor to the at least one vehicle system. In contrast to the above-recited claimed limitations of claim 6, and directly contrary to the Examiner’s assertion, the **“summate pressure information” P1** transmitted “by the processor to the opposing, cooperatively positioned inflatable member 24” as recited in Zumpano **is clearly not the same pressure value generated or sent by the sensor 14**. As clearly explained in col. 12, l. 59 – col. 13, l. 19 and col. 13, l. 50-60, the **“summate pressure information” P1** is calculated (according to the formula in col. 13, l. 55) by the processor 20 based on: a) the **initial inflation pressure Pi for the chambers of the inflatable member 22**; b) incremental pressure values x, y, and z; and c) the external force (E) of acceleration of the occupant. Since the final **summate pressure P1** of Zumpano is dependent on the **initial inflation pressure Pi for the chambers of the inflatable member 22**, it is absolutely clear that the **summate pressure P1** cannot be the same pressure value generated by the pressure sensor 14. In fact, the only relationship among the sensor 14, the inflatable member 22 and the processor 20 disclosed by Zumpano is that the processor 20 is “responsive to the impact sensors 14 **to the extent of activating** one or more of the inflatable members, such as 22, 24.” (Col. 10, l. 64-67). Accordingly, the inflatable members 22 and 24 may be activated based on the signal sent by the impact sensor 14, but Zumpano clearly does not suggest that the signal sent by the impact sensor 14 is transmitted by the processor to another vehicle system.

In addition to the above, the secondary references Dirmeyer (applied in connection with the rejection of claims 6-10) and Bohner (applied in connection with the rejection of dependent claim 8) both fail to teach or suggest that “the at least two pressure sensors are connectable to the processor to communicate at least one pressure value each to the

processor, . . . [and] the processor is connectable to at least one vehicle system besides said two pressure sensors to transmit the at least one pressure value to the at least one vehicle system,” as recited in claim 6. Accordingly, even if one assumed for the sake of argument that some motivation existed for combining the applied references in the manner asserted by the Examiner, with which assumption Applicants do not agree, the overall teachings of the applied references could not render obvious claim 6 and its dependent claims 7-10.

For at least the foregoing reasons, claim 6 and its dependent claims 7-10 are allowable over the applied references.

CONCLUSION

In light of the foregoing, claims 6-10 are in allowable condition. It is therefore respectfully requested that the rejections be withdrawn. Prompt reconsideration and allowance of the present application are therefore respectfully requested.

Respectfully submitted,

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 (R. No. 36,197)

Dated: October 22, 2007

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